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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203410
Party	Defendant East West Bank
Correspondence Address	THOMAS T CHAN FOX ROTHSCHILD LLP PO BOX 79159 LOS ANGELES, CA 90079-0159 UNITED STATES tchan@foxrothschild.com, ipdocket@foxrothschild.com, cliu@foxrothschild.com
Submission	Other Motions/Papers
Filer's Name	Aaron Craig
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Signature	/Aaron Craig/
Date	07/16/2012
Attachments	int3B8.PDF (7 pages)(35299 bytes) int3B9.PDF (25 pages)(832588 bytes)

In the Matter of Trademark Registration No. 3,448,481
For the mark EAST-WEST BUSINESS BRIDGE
Date Registered: June 17, 2008

Respondent.

Cancellation No. 92053712

LA1 232030v1 07/16/12

decided to abandon its “East West Bridge Forum” mark that is the subject of the Opposition proceedings, which should make Plubell’s motion moot, or at the least, inappropriate to be decided on oral motion in light of the Board’s having previously denied this relief to Plubell in the context of the cancellation proceeding.

I. Because Plubell Failed To Meet And Confer, East West Bank Is Unaware Of Plubell’s Basis For Its Motion, Thus Hindering Its Ability To Speak To It

Plubell is nothing if not consistent—it has failed to meet and confer with East West Bank regarding any of the motions it has brought in these proceedings, and it did not do so again here. This time, since the motion is oral, East West will be especially prejudiced because it has no idea as to the basis for Plubell’s motion and therefore cannot effectively prepare to speak to it. That being said, a deposition of Mr. Krause is inappropriate with respect to either Opposition or Cancellation issues.

A. Plubell Has Not Met And Conferred, Notwithstanding The Board’s May 7, 2012 Order To Meet And Confer Re All New Depositions

Before seeking any new depositions, the Board ordered the parties “to confer in a timely manner on the witness, the time and place, and the subject matter.” May 7, 2012 Order at 8. Plubell did not do so.

After receiving an email from Plubell’s counsel on July 13, 2012 regarding the motion to compel the Krause deposition, East West’s counsel responded asking Plubell’s counsel to explain the basis for the motion, in light of the lack of any prior conference on this subject. Declaration of Aaron Craig filed concurrently herewith (“Craig Decl.”) Exh. A. As of 6:30 p.m. EDT on July 16, 2012, Plubell has not responded. Craig Decl., ¶2.

The only mention of a Douglas Krause deposition over the past several months has come in the context of East West's attempts to obtain a date to resume the deposition of Plubell. East West contacted Plubell on June 22, 2012 and again on July 1, 2012 to request anew dates when it could resume taking the 30(b)(6) deposition of Plubell and the individual deposition of its principal, Ms. Plubell. Craig Decl., Exh. B. Plubell responded on July 2, 2012 with no dates for Ms. Plubell, but sought an explanation as to why East West wanted to resume the Plubell deposition; Plubell also asked for dates for the depositions of East West employees Mr. Krause and Ms. Emily Wang. Id. East West responded with the reasons it was entitled to the resumption of Ms. Plubell's deposition,¹ and told Plubell that the deposition would include examination as to, *inter alia*, the services rendered by Plubell under its mark, about which East West found Plubell's March 30 testimony to be evasive. Id. East West reiterated its request for dates for the continuation of the Plubell deposition or in the alternative, three days and times when Plubell's counsel would be available for a call with the TTAB. Id. On July 5, 2012, Plubell again asked for deposition dates of Mr. Krause and Ms. Wang, but declined to answer any of East West's queries. Id. To the extent Plubell contends that either its July 2, 2012 or July 5, 2012 emails satisfy the Board's meet and confer requirement, this contention should be rejected.

B. Plubell Is Prejudiced By The Failure To Meet And Confer, But Believes No Deposition of Mr. Krause Is Warranted

Without any meet and confer as to the subject of Plubell's proposed deposition of Mr. Krause, East West is unable to take any position on Plubell's motion beyond the following: If

¹ Prior to Ms. Plubell's first day of deposition, the parties negotiated a stipulation whereby each side would be permitted twelve hours of deposition testimony for the individual and 30(b)(6) depositions for which Emily Wang and Ms. Plubell were to appear. Craig Decl., Exh. C. Plubell's first day of deposition involved approximately seven hours of testimony. Craig Decl., ¶4.

the deposition relates to issues in the Opposition proceeding, the motion should be denied. For at the same time that Plubell was talking to the TTAB regarding its motion to compel the deposition of Krause, East West was finalizing its letter to Plubell advising Plubell that East West has made a business decision to not use and to abandon the East West Bridge Forum mark and application that is the subject of the Opposition, and asking Plubell whether it would provide written consent to such abandonment. Craig Decl., Exh. D.² Because East West has notified Plubell that it will be abandoning the East West Bridge Forum mark, Plubell has no basis for taking the deposition of Mr. Krause related to issues in the Opposition proceeding.

As to cancellation proceeding issues, Mr. Krause's testimony was the subject of a prior unsuccessful motion to extend discovery brought by Plubell. On April 9, 2012, Plubell filed a motion to extend the discovery period for the purpose of taking depositions of Douglas Krause and three other East West officers. [Dkt. No. 24]. The Board found that Plubell did not meet its burden to show good cause why the cancellation discovery period should be extended, but found the motion to be moot in light of the decision to consolidate the cancellation and opposition proceedings:

During the conference the Board found that TPF had not provided good cause for the requested extension of discovery in Cancellation No. 92053712. On further consideration, discovery must be extended in view of the Board's decision to consolidate the cancellation with later-filed Opposition No. 91203410, in which discovery recently opened.

May 7, 2012 Order at 7. While the Board extended discovery due to the consolidation with the soon-to-be-dismissed Opposition, it did not permit Plubell to notice or take the further depositions in the cancellation proceeding sought by Plubell as the basis for its motion, including

² East West has not responded to this request either, as of 6:30 p.m. on July 16, 2012. Craig Decl., ¶5.

the deposition of Mr. Krause. The Board should not reverse itself at this juncture and allow the deposition of Mr. Krause on cancellation-proceeding issues.

2. Plubell Ignored And Violated The May 7, 2012 Order In Scheduling A Motion To Compel The Krause Deposition

In addition to ignoring the Board's Order that the parties meet and confer as to new any depositions they sought to take, Plubell also ignored the Board's Order setting forth procedures for bringing any disputes to its attention. With respect to motions that are not consensual, the Board ordered that the parties meet and confer to come up with three alternative dates and times to discuss with the Board why leave should be given to file an unconsented motion. Plubell's counsel made no attempt to do that (or to give East West any other indication that it wished to file a motion to compel Mr. Krause's deposition) before calling the Board to schedule its own motion. This disregard of the Board's Order is the latest in what has become a pattern of ignoring the Board's Orders, as outlined in East West's pending motion for sanctions it filed April 23, 2012.

For the foregoing reasons, EWB respectfully requests that the Board reschedule or summarily reject Plubell's oral motion on July 17, 2012 to compel the deposition of Mr. Krause.

Respectfully submitted,

Dated: July 16, 2012

By: Aaron Craig
Thomas T. Chan
Aaron Craig
Lisa A. Karczewski
Attorneys for PETITIONER
EAST WEST BANK

Fox Rothschild LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017
Telephone: (213) 624-6560
Facsimile: (213) 622-1154
Email Addresses:
cliu@foxrothschild.com
IPDocket@foxrothschild.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITIONER EAST WEST BANK'S OBJECTION REGARDING PURPORTED ORAL MOTION TO COMPEL DISCOVERY DEPOSITION OF DOUGLAS KRAUSE** has been served on Registrant's attorneys of record by electronic mail on this July 16, 2012, addressed as follows:

H. David Starr
NATH, GOLDBERG & MEYER
112 South West Street
Alexandria, VA 22314
Tel: (703) 548-6284
Fax: (703) 683-8396
E-Mail: DStarr@Nathlaw.com

David N. Makous
Mina I. Hamilton
LEWIS BRISBOIS BISGAARD & SMITH
LLP
221 N. Figueroa Street, Suite 1200
Los Angeles, CA 90012
E-Mails: Makous@lbbslaw.com
Hamilton@lbbslaw.com

/Cindy Liu/
Cindy Liu
Dated: July 16, 2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 3,448,481
For the mark EAST-WEST BUSINESS BRIDGE
Date Registered: June 17, 2008

<hr/>)	
EAST WEST BANK,)	
)	
Petitioner,)	
)	Opposition No. 91203410
v.)	[<i>Consolidated with</i>]
)	
THE PLUBELL FIRM LLC)	Cancellation No. 92053712
)	
Registrant.)	
<hr/>		

**DECLARATION OF AARON CRAIG IN SUPPORT OF PETITIONER’S OBJECTION
REGARDING PURPORTED ORAL MOTION TO COMPEL DISCOVERY
DEPOSITION OF DOUGLAS KRAUSE**

I, Aaron Craig, declare:

1. I am an attorney licensed to practice law in California. I am a partner in the Los Angeles office of Fox Rothschild LLP, attorneys for Petitioner East West Bank (“EWB”). I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto. I make this declaration in support of Petitioner’s Objection Regarding Purported Oral Motion To Compel Discovery Deposition of Douglas Krause.

2. On July 13, 2012, at 11:17 a.m. PDT, I received from Mina Hamilton, counsel for The Plubell Firm LLC, (“Plubell”), an email informing me that the TTAB and Ms. Elizabeth Dunn had expanded the hearing scheduled for July 17, 2012 to include Plubell’s “oral motion to compel the discovery deposition of Douglas Krause.” A true and correct copy of Ms. Hamilton’s email is attached as part of Exhibit A hereto. I responded to Ms. Hamilton at 11:54 a.m. PDT,

asking to discuss Plubell's basis for its motion in light of there having been no attempt by Plubell to meet and confer as to such a motion. A true and correct copy of my response to Ms. Hamilton is also attached as part of Exhibit A hereto. As of 6:30 p.m. PDT on July 16, 2012, I have not received any reply.

3. Plubell had previously moved the Board on April 9, 2012 to expand the discovery period in order to, inter alia, take the deposition of Douglas Krause [Dkt. No. 24]. Since the Board ruled on that motion in its May 7, 2012 Order, the only communications East West has received regarding a possible deposition of Mr. Krause were found in Ms. Hamilton's July 2 and July 5 emails addressed to me, true and correct copies of which are attached as part of Exhibit B hereto.

4. Attached hereto as Exhibit C is a true and correct copy of the Stipulation To Modify Joint Notice of Deposition dated February 13, 2012.

5. On July 13, 2012, at 11:27 a.m. PDT, I sent a letter to Plubell's counsel Mr. David Starr informing him that East West Bank was abandoning its East West Bridge Forum mark and application, and asking whether Plubell would agree to file a consent express abandonment in conjunction with East West Bank. As of 6:30 p.m. PDT on July 16, 2012, I have not received a response.

I declare the above statements to be true and correct under penalty of perjury under the laws of the United States.

Executed on July 16, 2012 in Los Angeles, California.

/s/ Aaron Craig
Aaron Craig

EXHIBIT A

From: Craig, Aaron
Sent: Friday, July 13, 2012 11:54 AM
To: 'Hamilton, Mina'
Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: RE: East West Bank adv. The Plubell Firm LLC [Opposition No. 91203410/Cancellation No. 92053712]

Ms. Hamilton: As there has been no attempt by you to meet and confer regarding this motion (aside from requesting dates when Mr. Krause and Ms. Wang would be available for deposition in response to my request for dates to resume the deposition of Ms. Plubell), can you please provide me with some context as to the substance of your motion? I understand that your request was made as I was finalizing a letter to Mr. Starr relating to EWB's imminent abandonment of the East West Bridge Forum mark, and that you were not privy to this information when you requested the motion. Does the fact that EWB no longer intend to use this mark and seeks to abandon it affect your motion in any way? If not, I'd like to discuss your basis for seeking to take the deposition of Mr. Krause so that I can consider it in advance of Tuesday's motion.

From: Hamilton, Mina [mailto:hamilton@lbbslaw.com]
Sent: Friday, July 13, 2012 11:17 AM
To: Craig, Aaron
Cc: Elizabeth.Dunn@USPTO.GOV; 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: East West Bank adv. The Plubell Firm LLC [Opposition No. 91203410/Cancellation No. 92053712]

Dear Aaron,

This email will confirm my conversation of Friday, July 13, 2012, at 11 am PST/2 pm EST, in which the Board, through Attorney Elizabeth A. Dunn, agreed that the scope of the hearing on Tuesday, July 17, 2012 at 3:30 EST, is expanded to include The Plubell Firm LLC's oral motion to compel the discovery deposition of Mr. Douglas Krause.

Regards,

Mina I. Hamilton | Attorney
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 North Figueroa St., Ste. 1200

Los Angeles, California 90012
Phone: 213/580-7926
Email: Hamilton@lbbslaw.com

and

LEWIS BRISBOIS BISGAARD & SMITH LLP
2850 Gateway Oaks Drive, Suite 450
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Phone: 916/646-8204
Facsimile: 916/564-5444



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EXHIBIT B

From: Craig, Aaron
Sent: Friday, July 06, 2012 12:10 AM
To: 'Hamilton, Mina'
Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: RE: Depositions

All that I asked was to either provide us a deposition date (which request has been pending for weeks), provide us with your availability on July 5-6 for a call with Ms. Dunn, or provide us by noon July 5 with three dates/times during a six business day period when you would be free for such a call. As you've refused to comply with the procedure in the May 7, 2012 Order, I'll be calling Ms. Dunn in the morning to ask her for guidance as to how she would like us to proceed.

From: Hamilton, Mina [mailto:hamilton@lbbslaw.com]
Sent: Thursday, July 05, 2012 6:21 PM
To: Craig, Aaron
Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: RE: Depositions

Aaron, I'm still awaiting client feedback regarding your email re: Ms. Plubell's deposition. In the meantime, I'd like to work toward a global resolution and schedule for known depositions in this case as I had previously mentioned. Accordingly, please provide us with dates of availability for EWB depositions for Mr. Krause and Ms. Wang so that counsel can check their availability.

Thanks.

Mina I. Hamilton | Attorney
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 North Figueroa St., Ste. 1200
Los Angeles, California 90012
Phone: 213/580-7926
Email: Hamilton@lbbslaw.com

and

LEWIS BRISBOIS BISGAARD & SMITH LLP

2850 Gateway Oaks Drive, Suite 450

Sacramento, California 95833

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From: Craig, Aaron [<mailto:ACraig@foxrothschild.com>]

Sent: Tuesday, July 03, 2012 2:27 PM

To: Hamilton, Mina

Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)

Subject: RE: Depositions

I was not aware of that, thanks for telling me.

Aaron Craig

Partner

Fox Rothschild, LLP

1800 Century Park East Suite 300

Los Angeles, CA 90067

(310) 228-2168

From: Hamilton, Mina [<mailto:hamilton@lbbslaw.com>]

Sent: Tuesday, July 03, 2012 1:54 PM

To: Craig, Aaron

Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)

Subject: RE: Depositions

Dear Aaron,

As you may know, there is a major power emergency in the mid-Atlantic region that is impacting my client. I will respond in substance to your email below after obtaining client feedback.

Regards,

Mina I. Hamilton | Attorney

LEWIS BRISBOIS BISGAARD & SMITH LLP

221 North Figueroa St., Ste. 1200

Los Angeles, California 90012

Phone: 213/580-7926
Email: Hamilton@lbbsslw.com

and

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From: Craig, Aaron [<mailto:ACraig@foxrothschild.com>]
Sent: Monday, July 02, 2012 11:41 PM
To: Hamilton, Mina
Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: RE: Depositions

For the record, we've asked for a date where we can resume the deposition of TPF/Ms. Plubell with respect to the cancellation proceeding issues, which will last up to 5 hours, though hopefully fewer. We will then take consecutively the deposition of (at least) TPF in the opposition proceeding, which we would streamline so as to minimize the asking of duplicate questions previously asked that were properly answered. What this means is that contrary to your prefatory statement, the overall time for Ms. Plubell's remaining depositions may exceed 5 or even 6 hours. I will now respond to your points in turn.

1. Please identify what portions of the deposition you contend constitutes a deposition of TPF or Ms. Plubell re the opposition proceeding? With respect to the counterclaims, your motion for leave to amend was pending at the time of the Plubell deposition, and I asked questions related to the then pending motion. We have a right to take the deposition of Ms. Plubell and TPF re the Opposition and re the Affirmative Defenses to TFP's Counterclaims. To the extent you are trying to prevent us from doing so, you are denying EWB the due process rights afforded to all litigants, even banks.
2. I interpret your last two emails as reneging on the stipulation and offering reasons why you think you should be permitted to do so. I recall Ms. Dunn being emphatic on April 25, but you're likely to have the opportunity to reiterate your arguments as to what has happened that you believe warrants excusing TPF from its agreement. As for Ms. Plubell's unspecified burdens, they cannot be used to deprive EWB of the right to take the deposition of the opposer that initiated a proceeding against my client.
3. You quote from portions of Ms. Dunn's Order related to the sufficiency of Emily Wang and limitations on further

depositions of Ms. Wang and baldly state that this ruling applies beyond that context. I disagree with your reading, though we will of course streamline Ms. Plubell and TPF's depositions in the Opposition to not be unduly duplicative of the deposition noticed in the cancellation proceeding.

Similarly, the language in Ms. Dunn's Order regarding written questions and answers was specific to TPF and its counterclaims regarding "corporate ownership." Any efforts you make to use that ruling to limit EWB's rights to deposition testimony will be met with the strongest possible opposition.

I would like to ask your basis for saying that "she [Ms. Dunn] was clear that you do not get a 'do over' for the balance of any agreed further time for TPF/Plubell after you cancelled the deposition." My notes and recollection reflect something very different -- that she found it very troubling that Mr. Starr characterized my having to adjourn the deposition to attend to my family as a "cancellation," but I invite you to elaborate. As to the topics, I described some of them related to the cancellation proceeding in my previous email. Any further disclosure would be prejudicial to my client. As for the opposition proceeding, we will provide a notice of deposition to TPF setting forth the areas to be covered.

4. This is another area where I think we will have to agree to disagree.

Conclusion/Action Items: I would appreciate your answers to these questions, but more importantly, please provide a date on or after August 20 when we may resume the deposition of TPF and Ms. Plubell. If you will not do that, please advise us as to your availability on July 5 or 6 for a call with Ms. Dunn or whether you will consent to the filing of a motion to compel. If you do not do any of these prior to noon PDT on July 5, then we ask you to provide us three dates and times between July 6-13 where we can have a call with Ms. Dunn, pursuant to page 9 of the May 7, 2012 Order, so that EWB can request leave to file an unconsented motion.

From: Hamilton, Mina [<mailto:hamilton@lbbsslaw.com>]

Sent: Monday, July 02, 2012 7:59 PM

To: Craig, Aaron

Cc: 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)

Subject: RE: Depositions

Dear Aaron:

I have considered your self-serving response to my legitimate request to meet and confer on why you think another five plus (5+) hours of Ms. Plubell's deposition is needed. Taking each of your points in turn:

1. The previous deposition record speaks for itself and there is no doubt that you asked questions related to the cancellation and opposition proceeding and the intended counterclaims and those questions were answered by Ms. Plubell notwithstanding our objections. The fact that the proceedings were subsequently consolidated simply means that those questions and answers are now consolidated in this case.
2. I am not "reneging" on any stipulation. The stipulation that we reached for 12 hours per side was reached prior to Ms. Plubell's deposition. We were prepared to honor it, even though TPF is a single individual with one registration and one service mark under attack, not a 22 billion dollar bank with multiple registrations and services asserted. Indeed, Ms. Plubell and her counsel repeatedly rescheduled and extended her testimony beyond the agreed hours the first day and even agreed to return on Saturday morning to accommodate what you asserted was a need for "a few more questions, maybe an hour or an hour and a half". Then, without any communication from you regarding an emergency related to your daughter's illness, you cancelled the deposition by giving notice directly to the Court Reporter. Indeed, this is the first time we are hearing from you that your daughter was ill.

Certainly, we appreciate that emergencies happen and we hope that your daughter is fully recovered. We do not see why we cannot work out a resolution to accommodate follow-up questions while recognizing Ms. Plubell's burdens as well.

3. We believe our request for dialogue is consistent with Ms. Dunn's guidance after your impromptu comments during a hearing on TPF's motions to extend discovery (without any notice to us), as well as the Board's subsequent Order. Our notes reflect that Ms. Dunn rightfully admonished the parties to work together to resolve it but that she was clear that you do not get a "do over" for the balance of any agreed further time for TPF/Plubell after you cancelled the deposition. Contrary to your assertion that we do not need to meet and confer about the subjects, we think this is what Ms. Dunn has required and will continue to require. Accordingly, Mr. Starr has repeatedly asked you what specific topics remained to be covered. Ms. Dunn was equally clear that any testimony as to opposition issues taken from the same witness must be "considerably streamlined with a view to testimony already taken." She even suggested written questions and answers might be the avenue to clarify any remaining questions and you have written discovery available to you for that purpose among others. Therefore, please articulate what is the subject matter you intend to cover by any purported remaining balance of the cancellation deposition and the opposition deposition and why these cannot be addressed in writing?
4. Finally, we reject your claim that Ms. Plubell was evasive or not responsive in her testimony. She was responsive in light of your questioning and when presented with documents for which no foundation had been laid and which you chose not to produce ahead of the deposition.

So, in short, we are not refusing to produce Ms. Plubell at this time, but simply asking for a dialogue as to what subjects you intend to cover to ensure that she is not being harassed and to see if there is an alternative discovery method. Moreover, it is my belief that if we can come up with a sensible meet and confer approach before depositions are noticed that is both mutual and fair, we can avoid motion practice on these issues. Accordingly, we believe it's premature to engage Ms. Dunn and frankly do not understand what you intend to request.

We look forward to your response and cooperation on these issues.

Mina I. Hamilton | Attorney
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 North Figueroa St., Ste. 1200
Los Angeles, California 90012
Phone: 213/580-7926
Email: Hamilton@lbbsslw.com

and

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Sacramento, California 95833
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From: Craig, Aaron [<mailto:ACraig@foxrothschild.com>]
Sent: Monday, July 02, 2012 12:29 PM
To: Hamilton, Mina
Cc: "DStarr@Nathlaw.com" (DStarr@Nathlaw.com)'
Subject: RE: Depositions

This is grossly inaccurate. First of all, the deposition that I took of TPF and Ms. Plubell took place WITHIN the cancellation proceeding only. It was taken before consolidation. Second, we have the right to five more hours of that deposition. We requested a 7 hour cap for each side for the Wang/EWB/TPF/Plubell depositions, and you fiercely opposed it; we then settled on 12 hours for each side, and you cannot renege on your agreement and stipulation. Third, your recollection about Ms. Dunn's guidance is very different from mine, and I'm wondering what you base your assertions on? I remember her saying she was very troubled by your mischaracterization of the circumstances of the second day of deposition not going forward due to my daughter's illness, and that we should discuss when it should be resumed. We think it makes sense to schedule the remaining 5 hours of Ms. Plubell's cancellation deposition concurrently with the deposition on opposition proceeding issues. While I disagree with your implication that I need to provide a preview of the topics to be covered in these remaining 5 hours, if you review the transcript, you will see that we had just started to scratch the surface of the services TPF actually renders to its clients, and the testimony we were able to get was extremely evasive. I hope she will be more forthcoming next time; if the interlocutory attorney is required to review these portions of her transcript, I'm confident that she will be just as confused as we are about what TPF actually does. We will also be asking questions relevant to our defenses to the counterclaims.

The opposition proceeding issues were not set forth in the deposition notices issued by either side -- nor would it make sense for them to have been, because the proceedings had not been consolidated at that point. Both sides will be taking deposition discovery as to the opposition proceeding issues. See your email below. I'm curious as to why you imply that Ms. Plubell or TPF's depositions have already been taken as to the opposition proceeding, but this is completely inaccurate. I think it makes sense for us to set forth some ground rules re 30(b)(6) opposition proceeding depositions, and I will send you an email on this shortly.

If you are actually taking the position set forth in your email re the depositions of TPF and Ms. Plubell, please let me know when you are available to discuss with Ms. Dunn on July 3, 5 or 6.

From: Hamilton, Mina [<mailto:hamilton@lbbsslaw.com>]
Sent: Monday, July 02, 2012 12:07 PM
To: Craig, Aaron
Cc: "DStarr@Nathlaw.com" (DStarr@Nathlaw.com)'
Subject: RE: Depositions

Dear Aaron,

I do know that August 20 or 27 is not an option. I also know that Ms. Dunn has been clear about the parties

meeting and conferring about the necessity for another day of Ms. Plubell's deposition, especially in light of the fact that you did ask questions about both the counterclaims and the opposition proceeding at Ms. Plubell's previous deposition and have been less than forthcoming on the topics that were not covered in the initial deposition. Frankly, we are a little baffled as to why you would need Ms. Plubell's deposition on the counterclaims which involve facts exclusively within your client's possession.

Your email does not satisfy this meet and confer requirement, so we will object to any notice including one that contains a unilateral date selection.

I do agree, however, that the parties should work cooperatively on deposition scheduling and work toward a mutual agreement for all remaining depositions in the proceeding. TPF will be seeking depositions of EWB witnesses and will need to coordinate these with EWB. While it's too early to tell which depositions TPF will be seeking as we are still waiting on substantive written responses and documents from EWB, we do know that we will be seeking Mr. Krause's deposition and Ms. Wang's deposition. We will revert back to you on these issues.

Regards,

Mina I. Hamilton | Attorney
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 North Figueroa St., Ste. 1200
Los Angeles, California 90012
Phone: 213/580-7926
Email: Hamilton@lbbslaw.com

and

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Facsimile: 916/564-5444



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From: Craig, Aaron [<mailto:ACraig@foxrothschild.com>]
Sent: Sunday, July 01, 2012 12:19 PM
To: Hamilton, Mina; "DStarr@Nathlaw.com" (DStarr@Nathlaw.com)'
Subject: RE: Depositions

I haven't heard from you about dates TPF and Ms. Plubell would be available. Please let me know on Monday. We would prefer to work cooperatively on deposition scheduling as has been done thus far, rather than

unilaterally selecting dates. Thanks very much.

From: Craig, Aaron
Sent: Friday, June 22, 2012 1:26 PM
To: 'Hamilton, Mina'; 'DStarr@Nathlaw.com' (DStarr@Nathlaw.com)
Subject: Depositions

We would like to schedule the resumption of the deposition of Ms. Plubell and The Plubell Firm from the cancellation proceeding; I think it makes sense to coordinate this in conjunction with a deposition of the same parties/witnesses covering the issues raised by the opposition proceeding and the filing of the counterclaims. Would the deponent(s) be available the week of August 20 or 27? Please let me know at your earliest convenience.

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EXHIBIT C



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053712
Party	Defendant The Plubell Firm LLC
Correspondence Address	Gary M. Nath The Nath Law Group 112 S. West Street Alexandria, VA 22314 UNITED STATES dstarr@nathlaw.com
Submission	Other Motions/Papers
Filer's Name	H. David Starr
Filer's e-mail	dstarr@nathlaw.com
Signature	/H. David Starr/
Date	02/13/2012
Attachments	Stipulation to Modify Joint Notice.pdf (3 pages)(70180 bytes)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EAST WEST BANK)	
Petitioner,)	
)	Cancellation No.: 92053712
v.)	
)	Mark: EAST-WEST BUSINESS BRIDGE
THE PLUBELL FIRM, LLC)	Regn. No.: 3,448,481
Respondent.)	Regn. Date: June 17, 2008
_____)	

STIPULATION TO MODIFY JOINT NOTICE OF SCHEDULED DEPOSITIONS

The parties were not able to complete their depositions in accordance with the Joint Notice of Scheduled Depositions submitted January 9, 2012. Accordingly, the parties, by counsel, hereby submit this Stipulation to Modify the Joint Notice of Scheduled Depositions.

The parties have agreed to the following revised schedule:

March 7, 2012: Emily Wang (Rule 30(b)(1) and Rule 30(b)(6))

March 30, 2012: Ann Marie Plubell (Rule 30(b)(1) and Rule 30(b)(6))

Ms. Wang's depositions will be held in Los Angeles, California. Ms. Plubell's depositions will be held in Washington, DC.

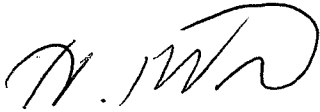
The parties have further stipulated that the total time of the respective depositions will not exceed twelve (12) hours of examination on the record (not including breaks) by the opposing party. The depositions of East West Bank and Ms. Wang began on January 30, 2012 with approximately six hours of testimony, but the depositions were not finished by 4:30 and the parties adjourned for the day. Said depositions will continue on March 7, 2012, not to exceed 12 hours of total examination by The Plubell Firm's counsel. Ms. Plubell's deposition will begin on March 30, 2012, and shall not exceed 12 hours of total examination by East West Bank's counsel.

By this Stipulation, neither party waives their respective rights and remedies with regard to the depositions in any manner, and hereby expressly reserves them.

Respectfully submitted,

The Plubell Firm, LLC

East West Bank



H. David Starr
The Nath Law Group
112 South West Street
Alexandria, VA 22314
(703) 548-6284
Attorneys for Respondent

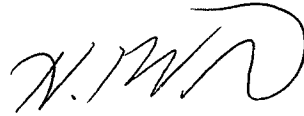


Aaron Craig
Fox Rothschild LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017
(213) 624-6560
Attorneys for Petitioner

CERTIFICATE OF SERVICE

This is to certify that I am on this date serving a copy of the within and foregoing upon the Petitioner via electronic mail return receipt requested, addressed as follows:

tchan@foxrothschild.com; lkarczewski@foxrothschild.com; cliu@foxrothschild.com;
acraig@foxrothschild.com; and IPDocket@foxrothschild.com.



H. David Starr
Attorney for Respondent

Date: February 13, 2012

THE NATH LAW GROUP
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Associated Counsel
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Mina I. Hamilton
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EXHIBIT D

From: Craig, Aaron
Sent: Friday, July 13, 2012 11:27 AM
To: 'David Starr'
Cc: 'Hamilton, Mina'; 'Elizabeth.Dunn@USPTO.GOV'; Chan, Thomas T.; Liu, Cindy; Karczewski, Lisa A.
Subject: Letter to David Starr re Abandonment of "EAST WEST BRIDGE FORUM" application

David: Please see attached.



Fox Rothschild LLP
ATTORNEYS AT LAW

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Aaron Craig
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Email Address: acraig@foxrothschild.com

July 13, 2012

VIA E-MAIL AND U.S. MAIL

Mr. H. David Starr
The Nath Law Group
112 South West Street
Alexandria, VA 22314

Re: East West Bank v. The Plubell Firm, LLC
Opposition No. 91203410 [*Consolidated with*] Cancellation No. 92053712
Our Ref. 103441.00001

Dear Mr. Starr:

East West Bank has decided for business reasons that it no longer intends to use the EAST WEST BRIDGE FORUM mark that was the subject of the above-referenced opposition proceeding, and will seek to abandon its application and mark. I am writing to inquire whether The Plubell Firm will expressly consent to East West Bank's abandonment of its EAST WEST BRIDGE FORUM application and mark, pursuant to 37 CFR § 2.135 of the Trademark Rules and TBMP § 602.01.

Assuming your client is amenable to the filing of a consented express abandonment of the EAST WEST BRIDGE FORUM application and mark, certain of the Requests for Production served on The Plubell Firm on June 29, 2012 will become moot and need not be answered; these Requests are 42, 68, 70-81, and 83-90.

Very truly yours,

A Pennsylvania Limited Liability Partnership



Fox Rothschild LLP
ATTORNEYS AT LAW

H. David Starr
July 13, 2012
Page 2

Aaron Craig

cc: E. Dunn
M. Hamilton

A Pennsylvania Limited Liability Partnership

California Connecticut Delaware District of Columbia Florida Nevada New Jersey New York Pennsylvania

CERTIFICATE OF SERVICE

I certify that **DECLARATION OF AARON CRAIG IN SUPPORT OF PETITIONER EAST WEST BANK'S OBJECTIONS REGARDING PURPORTED ORAL MOTION TO COMPEL DISCOVERY DEPOSITION OF DOUGLAS KRAUSE** are being served on Respondent by e-mailing a true and correct copy to the attorneys of record, this Monday, July 16, 2012 to the following e-mail address:

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